



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re: : U.S. Patent No. 5,451,233 (U.S.S.N. 08/208,972)
Issued: : September 19, 1995 Regulatory Approval Product: XIENCE™ V EECSS
Inventors : Paul G. Yock
For : Angioplasty Apparatus Facilitating Rapid Exchanges

INTERVIEW SUMMARY

SUBMITTED VIA EXPRESS MAIL

Mail Stop: Hatch-Waxman PTE
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Applicant acknowledges with appreciation the courtesy extended by Ms. Till during the interview with the undersigned at the U.S. Patent and Trademark Office (“USPTO”) on April 1, 2009. In accordance with 37 C.F.R. § 1.2, Applicant summarizes herewith the details of the interview.

The interview was initiated pursuant to the duty of disclosure under 37 C.F.R. § 1.765 to identify the type and scope of information that may be considered material by the USPTO to a determination of entitlement to the extension sought pursuant to 35 U.S.C. § 156 for U.S. Patent No. 5,451,233 (“the ‘233 Patent”). During the interview, the following topics were discussed:

1. Various motions and a resulting order in Civil Action No. C-08-04962 DLJ in the Northern District of California, wherein the Court granted a stay of the current proceedings by Abbott Laboratories against Medtronic, Inc., “to permit the PTO to issue a determination on whether the [‘233 Patent] is eligible for extension.” All pretrial

proceedings therefore have been vacated in this case, and the Court has asked to be notified by the parties as to any material decisions of the PTO in its ongoing review of the extension eligibility issue.

2. An article entitled “Analysis: PTO Should Deny Abbott’s Patent Extension for Rapid-Exchange Technology” posted on the online forum “Medical Device Link com” (available at <http://devicelink.com/mx/issuesupdate/08/10/PTE.html>) by Doug Portnow, Annie M. Rogaski, and Mark D. Barish of the law firm Townsend and Townsend and Crew LLP (hereafter “Townsend Article”), to determine if this article is considered to be material to the determination of entitlement to an extension.

Regarding Civil Action No. C-08-04962 DLJ, Ms. Till noted that she was aware of the ongoing lawsuit and appreciative of the update. Ms Till also noted that a determination of eligibility for patent term extension has been made by the USPTO for the ‘233 Patent, as set forth in a letter to the FDA dated March 30, 2009.

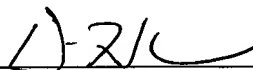
Regarding the Townsend Article, Ms. Till noted that the article generally appeared to be cumulative in view of a Citizen’s Petition filed with the FDA by the Townsend law firm on behalf of AngioScore, Inc; a copy of which was previously submitted with the USPTO for consideration on September 22, 2008.

Although not necessarily material or adverse to any determination of entitlement to the extension sought, Applicant provides concurrently herewith a “Disclosure Submission Pursuant to 37 CFR § 1.765,” which includes a copy of the materials referenced above for purpose of completeness of the record.

Applicant authorizes the Commissioner to charge any fees and/or credit any overpayments associated with this submission to Baker Botts L.L.P. Deposit Account No. 02-4377, Ref. No. 077843.0113.

Date: April 15, 2009

Respectfully submitted,



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